

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR ARAMBULA, et al.,

Defendants,

and

MARIA ARAMBULA,

Third Party Petitioner.

NO. CR21-107-RSM

**ORDER DISMISSING
THIRD-PARTY PETITION
OF MARIA ARAMBULA**

THIS MATTER comes before the Court on the United States' Motion to Dismiss Third-Party Petition of Maria Arambula ("Petition"), pursuant to Federal Rules of Criminal Procedure 32.2(c)(1)(A), to \$44,848 in U.S. currency, preliminarily forfeited in this case.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS:

- The United States published notice of the pending forfeiture as required by 21 U.S.C. § 853(n)(1) and Federal Rules of Criminal Procedure 32.2(b)(6)(C). Dkt. No. 130.

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- 2 • The United States provided direct notice to three potential claimants as
 - 3 required by Fed. R. Crim. P. 32.2(b)(6)(A). *See* Declaration of AUSA
 - 4 Krista K. Bush in Support of Motion to Dismiss Third-Party Petition of
 - 5 Maria Arambula (“Bush Decl.”) ¶ 5, Exhibits A–C;
 - 6 • Third-Party Petitioner Maria Arambula filed a petition in the ancillary
 - 7 proceeding claiming an interest in the Subject Currency. Dkt. No. 173.
 - 8 • No other Third-Party Petitions have been filed in this matter and the period
 - 9 in which to do so has expired.
 - 10 • The Petition is deficient as a matter of law and may be dismissed.
 - 11 • The Petition fails to satisfy 21 U.S.C. § 853(n)(3)’s requirements to “set
 - 12 forth the nature and extent of the petitioner’s right, title, or interest in the
 - 13 property, the time and circumstances of the petitioner’s acquisition of the
 - 14 right, title, or interest in the property, any additional facts supporting the
 - 15 petitioner’s claim, and the relief sought.” *See* 21 U.S.C. § 853(n)(3).
 - 16 • The Petition also fails to allege sufficient facts which, if assumed to be true,
 - 17 would state a cognizable claim under 21 U.S.C. § 853(n)(6).

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2 NOW, THEREFORE, THE COURT ORDERS:

3 1. Pursuant to Federal Rule of Criminal Procedure 32(c)(1)(A), and Federal
4 Rule of Civil Procedure 12(b), the Court hereby DISMISSES Third-Party Petitioner
5 Maria Arambula's Petition, Dkt. No. 173, with prejudice.

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8 IT IS SO ORDERED.

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10 DATED this 27th day of September, 2024.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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17 Presented by:

18
19 s/Krista K. Bush

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